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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 000267

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SUBJECT: GOVERNMENT MAY MAKE 400 INELIGIBLE FOR ELECTIONS

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Classified By: POLITICAL COUNSELOR ROBERT RICHARD DOWNES,
REASON 1.4 (D)

¶1. (C) Summary. The Venezuelan Comptroller's Office provided the National Electoral Commission (CNE) February 25 with a list of 400 Venezuelans that it has sanctioned and believes to be ineligible to run for elected office. There is a disagreement within the CNE whether these persons are automatically barred, but a pro-government majority within the CNE is likely to declare that most of the 400 are ineligible to run in the November state and local elections. The list disproportionately affects Venezuela's opposition, including popular Chacao Mayor Leopoldo Lopez (a candidate for the Caracas mayoral seat) and former Miranda Governor Enrique Mendoza (running again for the Miranda governorship). Denying a large number of Venezuelans the right to run for public office via administrative sanctions without due process would appear to not only be a highly controversial decision, but also likely to provide the opposition with yet another rallying point. End Summary.

¶2. (SBU) The Venezuelan Comptroller's Office conveyed to the CNE on February 25 a list of some 400 Venezuelan public officials that the Comptroller has sanctioned administratively in recent years. The Comptroller's Office sanctioned all 400 for administrative irregularities for varying lengths of time from one to fifteen years. The Comptroller's Office maintains that these persons may not run for public office until the time of the sanction is completed. Persons declared ineligible may seek reinstatement by appealing to Venezuela's Supreme Court, but that is a lengthy process.

¶3. (C) Chavista-oriented CNE Rector German Yepez told the media that the CNE is obliged to heed the Comptroller's Office by barring sanctioned public officials from running for office. Yepez maintains that a 2005 Supreme Court decision affirmed that public officials sanctioned by the Comptroller's Office are ineligible to run for re-election. Chavez-appointed CNE President Tibisay Lucena expressed a similar opinion to the local media on February 27. Opposition-oriented CNE Rector Vicente Diaz publicly disagrees. He argues that political rights can be suspended only by a judicial decision according to Article 42 of the 1999 Constitution.

¶4. (C) The most noteworthy politician on the list is Chacao Mayor Leopoldo Lopez, a particularly strong opposition candidate for the Caracas Mayoral seat currently held by staunch Chavista Juan Barreto. The 36-year-old Lopez is also

widely perceived as a potential future presidential candidate. Lopez is not accused of corruption or a crime, but rather an administrative offense. The Comptroller's Office sanctioned Lopez in 2005 for a total of nine years of political ineligibility for redirecting earmarked central government funds to finance a different municipal priority. Lopez has already appealed the sanction unsuccessfully in the Venezuelan court system and told us he intends to take his case to the Inter-American Court of Human Rights if/when he exhausts all potential local remedies.

¶ 15. (C) The Comptroller's Office has also declared former Governor of Miranda Enrique Mendoza ineligible to run for office between 2006 and 2009. Mendoza is a particularly strong pre-candidate for the November gubernatorial race in Miranda, a position currently held by close Chavez confidant Diosdado Cabello. Other prominent opposition politicians reportedly on the list include Movement Toward Socialism (MAS) Secretary General Felipe Mujica and former Caracas City Councilman and current Un Nuevo Tiempo (UNT) Executive Secretary Enrique Ochoa Antich. There are no prominent

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pro-government politicians on the list.

¶ 16. (C) Comment. The government enjoys a 4-1 majority in the CNE, so it is most likely that the CNE will try to make the ineligibility stick. Denying a not inconsiderable number of Venezuelans their political rights via administrative sanctions without due process, however, appears to be, at a minimum, a highly questionable electoral practice. This is particularly true given that the opposition is disproportionately affected by the measure. Most significantly, the administrative bar against Chacao Mayor Leopoldo Lopez could hinder the political rise of perhaps the opposition's most promising young politician. Whether the sanctions are successfully rolled back or not, the government's efforts to thin the ranks of plausible opposition candidates is likely to become another rallying

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point for opposition political parties, civil society, and university student activists. End Comment.

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